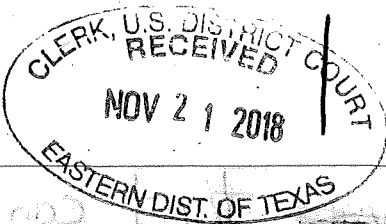


USA v. You



6:18-CR-16.

## Judicial Notice / Motion for sentencing guidelines.

The accused requests the court to take the judicial notice of §2K2.1(a)(4)(B) and (6), and (b)(2). for sentencing purposes.

Definition of a "Semi automatic Firearm That is Capable of Accepting a Large Capacity Magazine" for purpose of §2K2.1(a)(1), (3), and (4), means a semi automatic firearm that has ability to fire many rounds without reloading because at the time of the offence (A) the firearm had attached to it a magazine or similar device that could accept more than 15 rounds of ammunition; or (B) a magazine or similar device that could accept more than 15 rounds of ammunition was in close proximity to the firearm. This definition does not include a semi automatic firearm with an attached tubular device capable of operating only with .22 caliber rim fire ammunition.

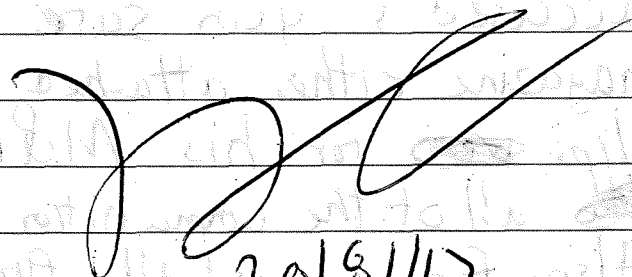
This definition does not apply to the accused since from the photo of the search, the two firearms which ~~could~~ fall under this definition were in the accused's gun safe and none of them had a loaded magazine either attached or in close proximity. The accused's clips ~~was~~ for his M&P 15 and LR-308 were empty and all of the ammunition were kept separately at ammo containers. Also for any and all firearms ~~that were involved in~~ that were involved in

§924(a)(1)(A) charge, ~~the mag~~ that can qualify as such definition under right circumstances, they ~~was~~ did not have any magazine attached nor anywhere in close proximity. ~~was~~ loaded and ready.

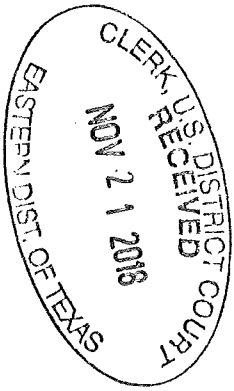
Thus the accused falls under §2K2.1 (a)(6) category for both ~~the~~ charges §924(a)(1)(A) and §922(g)(4) for the sentencing purposes and §2K2.1 (b)(2) ~~is~~ must be applied to the accused since the firearms and the ammunition were never unlawfully used by the accused and the accused possessed all ammunition and firearms ~~is~~ solely for lawful purposes.

This motion must not be construed as the accused admitting his guilt nor as the accused waiving any of his right to appeal.

(Source: Guideline Manual (November 1, 2016)).

  
2018/1/17

6:18 - CR-16  
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